

WISHA REGIONAL DIRECTIVE

Department of Labor and Industries

Division of Occupational Safety and Health

19.20 Explosives Magazine Licensing Inspection Procedures

Date Issued: September 18, 2006

I. Background

Title 70.74 RCW, the Explosives Act, is a public safety law that requires, among other things, regular “certification” inspections of licensed explosives storage sites. Because of the unique characteristics of the Explosives Act, several standard inspection procedures described in the DOSH Compliance Manual, including those related to issuance of citations and calculation of penalties, do not apply to such licensing inspections. This policy provides appropriate guidance regarding such inspections.

II. Scope and Application

This WISHA Regional Directive (WRD), which remains in effect indefinitely, provides guidance to regional managers, safety compliance supervisors and explosives inspectors in the scheduling and conduct of explosives inspections. The WRD replaces WRD 19.20, issued February 18, 2005, which is hereby rescinded.

III. Interpretive Guidance

A. *When should inspections of licensed magazines be conducted?*

DOSH explosives inspectors and/or the explosives supervisor are expected to schedule magazine inspections from the magazine scheduling reports provided by the Explosives Licensing desk. Inspections must be conducted within one (1) year of the last inspection date.

Compliance Operations will provide the following magazine scheduling reports to the explosives supervisor:

1. *Supervisor's report* – This monthly report lists the past due magazine inspections.
 2. *60-day scheduling report* - This monthly report lists magazines that have an expiration date within 60 days from the date of the report.
 3. *Master magazine list* - This annual report lists active magazines within the area of the inspector's responsibility.
 4. *Inspection activity report* - This report lists the hours spent on inspections done by the explosive inspectors.
 5. *IOC memorandum* - When the explosives supervisor becomes aware of an explosives incident, magazine move, or a license cancellation, he/she will schedule an immediate inspection.
- B. *When should a DOSH Citation and Notice be issued as a result of a magazine inspection?*

1. Inspections must be conducted according to the guidance in the DOSH Compliance Manual (as well as this and other related regional directives) and a citation and notice issued (with appropriate penalties) *if* the inspection was initiated for any reason other than a licensing review or at the request of the licensee.
2. If the inspector determines that circumstances warrant an inspection with the potential for penalties during a licensing review, he or she must open such an inspection with the licensee and proceed according to the appropriate guidance in the DOSH Compliance Manual.

Note: Such a decision, made because of the degree of non-compliance, worker exposure, or the level of the hazard, should be the exception rather than the rule. Most such licensing reviews are to be handled in accordance with the guidance provided below.

- C. *How should inspectors handle magazine inspections that result from licensing reviews?*

The inspector must complete a Magazine Inspection Report for all magazine inspections conducted for licensing purposes (even if the inspector determines that a full inspection should be conducted according to the guidance in 2.b. above). Such inspection reports must be forwarded to the Explosives Desk on a weekly basis.

Magazine Inspection Reports should also be used for consultative and technical visits when no employee/employer relationship exists.

- D. *How should inspectors handle inspections of magazines operated by the same licensee but located in different places?*

Magazines at separate locations must be inspected separately and all necessary documentation (qualified person in charge, site address, etc.) should be provided for each site.

E. *Can inspectors provide advance notice of magazine inspections?*

Advance notice may be required to expedite initial, remote or difficult magazine inspections, which are not conducted pursuant to WISHA but instead to the Explosives Act. In such cases, the licensee or other responsible person should be contacted to schedule the visit and provide any necessary assistance.

Inspectors must avoid giving advance notice if suspicious conditions exist, suggesting that tools or other improper items may be stored inside the magazine or that explosives may be moved out prior to inspection.

F. *Should DOSH explosives inspectors conduct inspections at mining sites under the jurisdiction of the Mining Safety and Health Administration (MSHA)?*

Yes. However, in such cases, DOSH explosives inspectors must inspect only in relation to licensing and storage requirements under Chapter 296-52 WAC.

Approved: _____
Stephen M. Cant, CIH, Assistant Director
Department of Labor and Industries
Division of Occupational Safety and Health